

of Pennsylvania, of quantities of petroleum jelly and aspirin tablets which were misbranded. The articles were labeled in part: "Genuine St. Joseph's Moraline \* \* \* Blended Petroleum Jelly \* \* \* A Product of St. Joseph's Laboratories, New York"; "Tee-Tone Pure Aspirin Five Grain Tablets \* \* \* Tee-Tone Company Memphis, Tenn."

The information charged misbranding of the petroleum jelly in that certain statements on the jar label, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for piles; effective as a dressing for sores and wounds; and effective to relieve sore throat and coughs. Misbranding of the aspirin tablets was alleged in that certain statements on the box label, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective for the relief of rheumatism, lumbago, sore throat, toothache, earache, influenza, and sleeplessness.

On October 26, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23245. Misbranding of Devonshire's Earth Salts, U. S. v. 64 Packages of Devonshire's Earth Salts. Default decree of condemnation and destruction. (F. & D. no. 32494. Sample no. 65139-A.)**

This case involved the shipment of a product labeled to convey the misleading impression that it contained all the minerals found in the various foods in a form assimilable by the body. The labels also bore unwarranted curative and therapeutic claims.

On April 6, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 packages of Devonshire's Earth Salts at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about March 11, 1934, by F. S. Powers & Co., from Crystal Lake, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a calcium phosphate and sodium chloride with small proportions of sulphur; and compounds of iron, magnesium, potassium, and aluminum, including carbonate and silicate.

The libel charged that the article was misbranded in that the following statements appearing on the carton were false and misleading: "The Earth Salts \* \* \* being an exact copy of the mineral matter found in the food-stuffs." Misbranding was alleged for the further reason that the carton and circular shipped with the article contained false and fraudulent representation relative to its effectiveness in the treatment of pneumonia, cancer, tuberculosis of the throat, typhoid fever, diphtheria, sore and ulcerated throat, kidney and bowel trouble, appendicitis, intestinal worms, and tape worms, locomotor ataxia, paralysis of the bowel, nervous diseases, neuralgia, insomnia, nervous headaches and paralysis, rheumatism, lumbago, sciatica, neuritis, stomach trouble, constipation, diseases of the kidney, spleen and liver, skin diseases, malaria fever, high blood pressure, boils, abscesses, goiter, tumors, stomach ulcers, chills, colds, bronchitis, snake bites, delirium tremens, diabetes, social diseases, heart trouble; and to rebuild the bowel tract and stomach, rebuild starved lungs and vital processes, restore the vitality of the nerves, maintain the hair, prevent starvation of the teeth, improve the quality and quantity of the mother's milk, prevent difficulties in menstruation and during change of life, barrenness and sterility.

On July 12, 1934, H. C. Johnson, trading as F. S. Powers & Co., claimant, having admitted the allegations of the libel and having filed a good and sufficient bond, the product was ordered released to be relabeled. On October 22, 1934, the claimant having failed to relabel the goods and pay costs, judgment of condemnation was entered, and it was ordered that they be destroyed.

M. L. WILSON, *Secretary of Agriculture.*

**23246. Adulteration and misbranding of Men-Tho-Eze. U. S. v. 42 Small Packages and 4 Large Packages of Men-Tho-Eze. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32542. Sample nos. 65259-A, 65260-A.)**

This case involved a drug preparation, the labeling of which bore false and misleading claims as to its composition and alleged antiseptic properties, and false and fraudulent claims as to its alleged curative and therapeutic effects.

On April 16, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 small packages and 4 large packages of Men-Tho-Eze at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about November 23, 1932, by Men-Tho-Eze, from Fort Dodge, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of small proportions of volatile oils, including methyl salicylate, incorporated in petrolatum, with but a small proportion, if any, of animal fat. Bacteriological examination showed that it was not antiseptic.

The libel alleged that the article was adulterated in that its strength fell below the professed standard of quality under which it was sold, namely (carton) "Very Antiseptic."

Misbranding was alleged for the reason that the following statements in the labeling, (carton) "It Contains Goose Grease and Turpentine, Very Antiseptic", (circular) "Men-Tho-Eze is a compound of old-fashioned goose grease and turpentine, combined with menthol, wintergreen, peppermint and other \* \* \* essences and oils. It combines grandma's homely \* \* \* remedies of goose grease and turpentine—the goose grease and turpentine cause a counter-irritation", were false and misleading, since it consisted largely of petrolatum and volatile oils and contained but a small proportion, if any, of goose grease and was devoid of antiseptic properties. Misbranding was alleged for the further reason that the jar cap, carton, and circular shipped with the article contained false and fraudulent claims relative to its effectiveness in the treatment of inflammations and congestions, piles, eczema, rheumatism, sore lips, catarrh, hay-fever, asthma, croup, la grippe, sore throat and all bronchial troubles, inflammation of sore membranes of throat and lungs, bronchitis, tonsillitis, chest colds, lame back, lumbago, sores, earache, sore feet, piles, Spanish influenza, and to its effectiveness as a healing agency, allaying irritation and subduing pain of tender internal passages, checking coughs, permitting restful, healing sleep, cutting phlegm and killing germs.

On May 15, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23247. Misbranding of Parkelp. U. S. v. 469 Packages of Parkelp. Default decree of condemnation and destruction. (F. & D. no. 32679. Sample no. 65441-A.)**

This case involved a product which was represented to be of value as a source of minerals and vitamins. Analyses showed that it contained materially less iron, calcium, manganese, and copper than declared on the labels. Tests for vitamins showed that it contained inconsequential amounts of vitamins A and B and no appreciable amount, if any, of vitamin D.

The label also contained unwarranted therapeutic claims.

On May 7, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 469 packages of Parkelp at Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about May 26, 1933, by the Philip R. Park Laboratories, Inc., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of ground plant material containing such inorganic constituents as calcium, magnesium, iron, manganese, copper, sodium, potassium, sulphur, phosphorous, and iodine compounds. Biological analysis showed that it contained but an inconsequential proportion, if any, of vitamin D.

The article was alleged to be misbranded in that the following statements on the carton and in the circular, were false and misleading: (Carton) "Combination of Parkelp's minerals in biological tests has given the effects of vitamins A, B, D, and E"; (circular) "Various Minerals Present in Three Teaspoonfuls of Parkelp \* \* \* Grains \* \* \* Iron  $\frac{1}{8}$  \* \* \* Calcium 2% \* \* \* Manganese 1/120 \* \* \* Copper 1/200 \* \* \* Parkelp is Mother Nature's own food to supply you with the balanced diet of important, needed minerals and vitamins A, B, D, and E in greater quantities than any land-grown vegetables \* \* \* Parkelp balances your diet with necessary minerals and vitamins \* \* \* It is practically impossible to include in the daily diet, sufficient